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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,317	07/12/2001	Tadahiro Ohata	450100-03327	1817
20999	7590	09/21/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/904,317	OHATA ET AL.	
	<b>Examiner</b> Madeleine AV Nguyen	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. AV

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 10 August 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-7,9-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,9-15 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

This communication is responsive to amendment filed on August 10, 2006.

Applicant cancels claims 8, 16 and 18, amends claims 1, 10-15, 17.

### ***Response to Arguments***

Applicant's arguments filed on August 10, 2006 have been fully considered but they are not persuasive.

Applicant remarks that Tijerino fails to teach, "the simplified image data matching said retrieval condition is mapped to a corresponding position on a map by using attached GPS information, and a result of said mapping is displayed on the client terminal". Tijerino merely teaches the displaying of the narrowed choices in a submenu.

In addition to the teaching in col. 3, lines 48-54, Tijerino further teaches the use of GPS (Global Positioning System) for the positioning device 50 or remote positioning data source 90 (Fig.1). Tijerino then teaches, "The positioning data from any of the above methods can be used for the environmental data incorporated into the preference data. Selection and incorporation of such positioning methods will be apparent to those of skilled in the art." (col. 4, lines 61-65). Since the positioning methods in well known in the prior art, the mapping of an image data to a corresponding position on a map is also commonly known in the prior art. Reference DeLorme et al (US Patent No. 6,321,158) is referred to support the well known prior art of an image data matching a retrieval condition is mapped to a corresponding position on a map by using attached

GPS information (Figs.1A, 1A1, 1A3, 1A4, 1A5, 1B, 1C, 1N, 1O, 2, 2B, 9; Abstract; col. 9, line 25 – col. 14, line 27).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tijerino (US Patent No. 6,405,034).

Concerning claim 1, Tijerino discloses in Fig.1 an on-demand image delivery server delivering image data (server 10) based on a request from a client terminal (communication device 40), said server having one or more retrieval items as a retrieval condition inputted from the client terminal (230, Fig.2) comprising a retrieval function portion (100, Fig.1) retrieving an image resource database (20, Fig.1; col. 5, lines 21-28, lines 44-49); a result displaying function portion displaying a view of simplified image data of image data matching a retrieval condition and/or a data regarding a designated item among contents-related information attached to the image data (preference data, user's choice, a list of communication service choices from the server, information service options), on a screen of the client terminal, for confirmation of contents of image data to be delivered (270, Fig.2; col. 5, lines 26-43); wherein the simplified image data is a function of capabilities of the client terminal, wherein the simplified image data is generated from original image data for displaying a retrieval result, and wherein the contents

related information includes information with regard to location, object, situation and other user desired choices the retrieval result (Fig.2; Abstract; col. 3, lines 20-56; col. 4, lines 10-65; col. 5, lines 21-43; col. 6, lines 22-37, lines 56-65). Tijerino further teaches the use of GPS (Global Positioning System) for the positioning device 50 or remote positioning data source 90 (Fig.1).

Tijerino fails to specifically teach the contents-related information includes information with regard to shooting method of the retrieval result. However, Tijerino includes different selection, preference or choices/options the user can select which do not exclude the shooting method. For instance, Tijerino teaches preference data stored in the communication device 40, communication service choices with major choices having different sub-menu according to user desired choices, a graphical user interface 60, user preference data and environmental data while the facilitator 100 can add historical suggestion data or a listing of the most widely accessed choices from a plurality of users (col. 3, lines 29-54; col. 5, lines 22-43). Tijerino further teaches that the communication device 40 has a graphical user interface 60 (Fig.1) which can be any graphical based program that allows input interaction from the user to choose (col. 3, line 55 – col. 4, line 9) and to perform highly personalized data retrieval; a positioning device 50 for other user desired choices enables position determination (col. 4, lines 42-65). In addition, Tijerino teaches that the user preference can include the user's favorite choices, redundant choices that the user has used on a recurrent basis, or any other criteria (col. 4, lines 10-26) and the environmental data can include data based on the position, time, temperature, weather, scheduling data or any other external information (col. 4, lines 27-42). It would have been obvious to one skilled in the art at the time the invention was made to add the "shooting method" in the content related information since Tijerino teaches a plurality of choices and reference the

user from the communication device 40 and from the server without limiting any choice and noted that Tijerino usually adds “The major services choices will typically have sub-menus that allow the user to select a more detailed choice under the major service”, “any other desired choices”, “etc.” which allows the user to make highly personalized data retrieval in a quick, efficient and easy to use manner.

It is noted that, as the positioning methods using GPS is well known in the prior art and the positioning device 50 determines the position of the communication device 40 in Tijerino (col. 4, lines 43-65), it would have been obvious to one skilled in the art at the time the invention was made as a matter of well known in the art that the simplified image of the image data matching the retrieval condition in Tijerino mapped to a corresponding position on a map by using attached GPS information since Tijerino also includes, “The positioning device 50 can use any available technology that will enable position determination” (col. 4, lines 45-46).

Concerning claims 2-7 and 9, Tijerino further teaches that the retrieval result displaying function portion determined the designated item based on a setting of an image source database (claim 2), (20, Fig.1; col. 5, line 22 – col. 6, line 4), a setting of a device (claim 3), (col. 5, lines 22-43), a setting of the client terminal (claim 4), (220, Fig.2); the contents-related information includes GPS information (claim 5), (col. 4, lines 43-65); the image data can be delivered to a client terminal distinct from a client terminal issuing a retrieval request, based on a request from the client terminal issuing said terminal request (claim 6); a retrieval item inputted from the client terminal includes position information and/or time information (claim 7); the contents-related information of each image data is displayed according to a table form matching items

subject to display (claim 9), (Fig.2; col. Col. 3, line 30 – col. 4, line 65; col. 5, line 21 – col. 6, line 65).

Concerning claim 10, Tijerino discloses an image resource database (10, 20, Fig.1) storing image data along with simplified data thereof and/or contents related information attached thereto, comprising a retrieval execution portion as discussed in claim 1 above.

Concerning claim 11, Tijerino discloses a client terminal (40, Fig.1) receiving from an on-demand image delivery server (10, Fig.1) and displaying on a screen, information on image data matching a retrieval condition (Fig.2) as discussed in claim 1 above.

Concerning claim 12, Tijerino discloses a server system (Fig.1) having an on-demand image delivery server (10) and an image resource database (20) wherein said on-demand image delivery server delivering image data based on a request from client terminal (40, Fig.1) as discussed in claim 1 above.

Concerning claim 13, Tijerino discloses a server system (Fig.1) having an on-demand image delivery server (10) and an image resource database (20) and a client terminal (40) wherein said on-demand image delivery server delivering image data based on a request from the client terminal (40) as discussed in claim 1 above.

Claims 14-15, 17 are method claims of apparatus claims 1, 10-13. Claims 14-15 and 17 are rejected for the same rationales set forth for claims 1, 10-13.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kovacs et al (US Patent No. 6,542,819) discloses a technique for the determination of the current position of a device based on a plurality of geo-location positioning services.

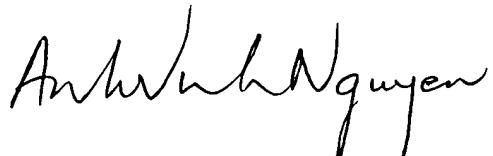
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Tuesday-Thursday 12:30-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2625

September 7, 2006